

REMARKS/ARGUMENTS

The Examiner rejects claims 4 and 6 under 35 U.S.C., Section 102(b) as anticipated by Frisbee. In arguing this position, the Examiner notes that "rear wheels are not shown in Frisbee" and that the not shown rear wheels "is what the Examiner is considering as the left and right rear drive wheels." It should be noted that applicant's claim does not address left and right "rear" wheels. Applicant's claims address left and right drive wheels and adds that these drive wheels support the rear of the frame. Frisbee, as the Examiner correctly notes, does not teach anything about rear wheels or drive wheels or any wheels at all. Frisbee teaches a main frame 12 flanked by drive track frames 14 which have track roller assemblies (which are not shown) engaged on the track chains 16 which, taken together, are the drive mechanism of Frisbee's device (Col.3, ln.57-61). Frisbee, therefore, has no drive wheels as taught by applicant. Frisbee's drive mechanism is defined by the perimeter of the chain 16 and the pivot point 24 is not forward of Frisbee's drive mechanism as is clearly seen in Frisbee's Figure 2. Conversely, looking at applicant's Figure 1, it is apparent that applicant's pivot point 18 is forward of applicant's left and right drive wheels. This is not a small structural difference. The location of the axis of rotation of the arms changes the entire balance and operational characteristics of the device.

Consider what applicant's device would be like if it were on tracks rather than on drive wheels. If the pivot point were rearward of the front end of the tracks, the tracks would be supporting the device and the weight of the structure would not be concentrated on the floor at the forward end so as to achieve the necessary scraping pressure. The only

Appl. No. 10/027,460
Amdt. dated July 16, 2003
Reply to Office Action of May 20, 2003

way to achieve such a result with a tracked vehicle would be to pivot applicant's arms in front of the tracks and, even then, only if the tracks did not support the front of the vehicle. This is not taught by Frisbee. In fact, it is contrary to the teachings of Frisbee.

While we do not have complete information about what Frisbee's drive system is, we do have clear evidence of what it is not. Frisbee cannot be said to anticipate applicant's teachings by reliance on components that Frisbee neither shows nor describes but which clearly are not those claimed by applicant.

Therefore, applicant respectfully submits that claims 4 and 6 as written are allowable over the cited reference and allowance of claims 4 and 6 is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Frank J. Catalano', is written over the printed name and address.

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